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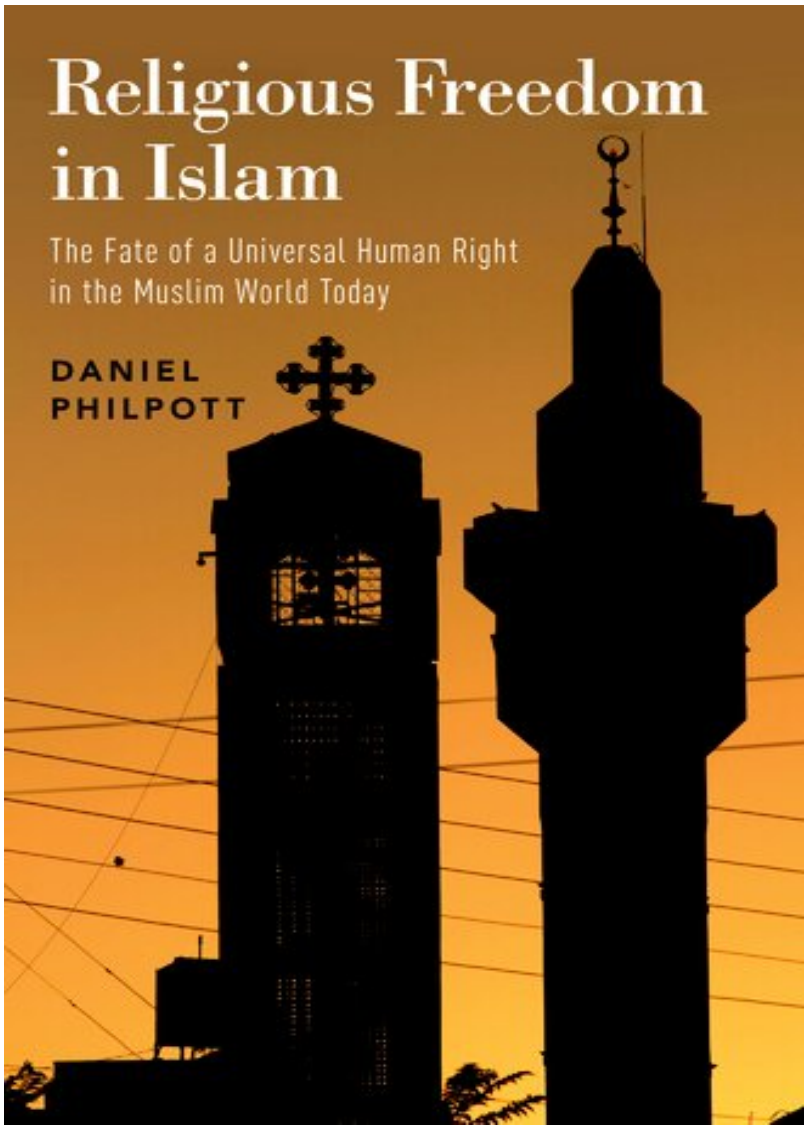

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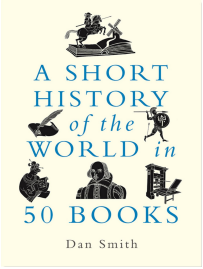

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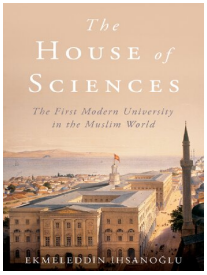

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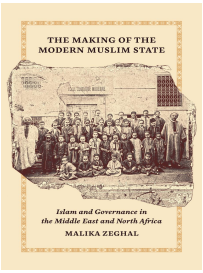

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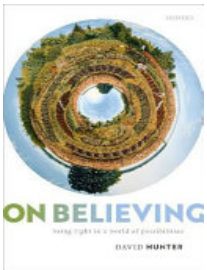

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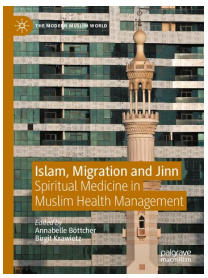

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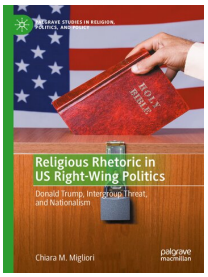

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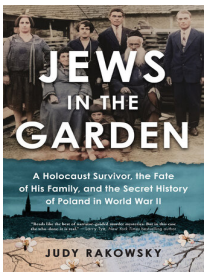

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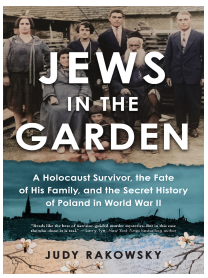

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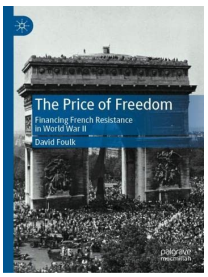

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In gratitude: Timothy Samuel Shah

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Preface

IS ISLAM HOSPITABLE to religious freedom? Many will bristle at such a question. Religious freedom is a Western principle, some will say, and to pose it to Islam is to impose it on Islam. Others will object that to speak of an entire religious tradition recklessly flattens diversity and muffles dissonance. Still others will ask why I, a Westerner, and a Christian at that, deign to ask why a religion other than my own is free. Should not Western Christians first acknowledge the plank of religious repression in the eye of their own tradition before concerning themselves with the speck in another tradition's eye, to borrow a metaphor from Christianity's founder?

Yet I persist in inquiring into religious freedom in Islam because I believe the question holds high stakes for peace, stability, and justice in the world. I also believe that scholars have a responsibility to speak to the important controversies of their day. The controversy at hand is the intense public debate over Islam in the West. It has flared up every time the headlines have reported Muslims involved in violence, at least as far back as the attacks of September 11, 2001. ISIS. Orlando. Paris. San Bernardino. Benghazi. London. Madrid. "Islamoskeptics" hold that violence and repression are hardwired in Islam's texts and traditions and that the West must gird up for a struggle of decades. "Islamopluralists" counter that Islam, like all religions, is diverse and mostly peaceful but contains a fringe of violent extremists and counsel the West to engage in dialogue, avoid provocation, and own up to its historical role in the problems of the Muslim world.

This public debate is at times so heated that it resembles a culture war. As is true in all culture wars, the two sides fail not only to listen to each other but even to talk to each other, convinced that the other side's position is outside the walls of acceptability. By contrast, this book aims to dignify both sides—as well as that fragile commodity, civil democratic debate—by entering the argument. It does so for the reason that much is at stake in this debate—for the foreign policies of western states toward Muslim-majority states, for the treatment

of Muslims within the West, for the treatment of religious minorities in the Muslim-majority world, for the religious vitality of Islam, for the reduction of terrorism and civil war, and for the success of constitutional democracy and peace. The book therefore addresses fellow westerners who are engaged in this lively dispute, a group that certainly includes Muslims living in the West, but also hopes to engage the arguments and perspectives of Muslims around the world and indeed of all who agree that this debate has great stakes.

Which side, then, is right? The book's criterion is religious freedom—a universal human right that demands respect for the full citizenship rights of people who differ in their answers to ultimate questions. I apply this criterion to the 47 (or so) countries where Muslims are in a majority and then look more broadly at the Islamic tradition.

I find that Islamoskeptics and Islamopluralists are both right and both wrong—an answer that might reduce the temperature of the debate and point the way toward constructive relations.

From a satellite view, the landscape of Muslim-majority states favors the Islamoskeptics. Of 47 Muslim-majority states, 36, more than three-quarters, have strong restrictions on religious freedom. Taken as a whole, the set of Muslim-majority states is far less religiously free than the global average or the set of Christian-majority countries.

To adopt this landscape view as our conclusion, though, is to overlook important contours that come into focus when we zoom in from a satellite view to a close-up view of the Muslim-majority world—namely the presence of religious freedom and the factors that account for its absence. Here, the Islamopluralists prove insightful. If there is a relative dearth of religious freedom in the Muslim world, Islamic doctrine is not necessarily the cause of it. We discover that some 42% of the Muslim-majority states that have low levels of religious freedom are governed not by a radical form of Islam but rather by an aggressive form of secularism imported from the West. We also discover that 11 Muslim-majority countries are religiously free—far more than outliers—and that they are free not despite Islam but because of their very interpretation of Islam.

True, 58% of the countries with low levels of religious freedom are "Islamist," meaning governed by a regime that deploys highly restrictive laws and policies to promote a strongly traditional form of Islam—which stands as evidence for the Islamoskeptic position—but even these have modern origins and are too simply deemed the real and true Islam. We discover, too, Muslim movements, parties, and intellectuals who espouse and advocate for religious freedom. When we turn our focus to the Islamic historical tradition, we also discover "seeds of freedom"—seven in particular—which carry potential for

germinating into full religious freedom in the Muslim world. The long road of the Catholic Church toward freedom offers a model for how a religious tradition can undergo reform through its own historical commitments.

The result is a synthesis that is both honest and hopeful. As argued in the first chapter, what we learn from Islamoskeptics is honesty. Considered in the aggregate, the Muslim-majority world is comparatively religiously unfree. What we derive from Islamopluralists is hope. Both the reality and the potential for religious freedom can be found in the Muslim-majority world and in the broader Islamic tradition as well. The book, then, aims to present a picture of Islam that is fuller and more balanced than either side of today's public debate provides. The final chapter derives from this picture recommendations for action that can guide Western countries in their engagement with the Muslim world and contribute to an expansion of religious freedom around the globe.

Acknowledgments

THIS BOOK BEGAN in 2011 as a contribution to a body of research on religious freedom being fostered by the Religious Freedom Project at the Berkley Center for Religion, Peace, and World Affairs at Georgetown University. On a grant from the John Templeton Foundation, the Religious Freedom Project convened a group of scholars to investigate religious freedom and brought us together periodically to discuss ideas and drafts. In 2016, the Religious Freedom Project became the Religious Freedom Institute, a nongovernmental organization (NGO) in Washington, DC, and I continued to participate in its work. The numerous seminars, workshops, symposiums, and conversations convened in these settings were an ideal intellectual atmosphere: rigorous, collegial, good humored, and embodying a diversity of perspectives that is rare in today's academy.

I am indebted to the leaders whose creative vision and tenacity made all of this possible: Thomas Banchoff, who was founding director of the Berkley Center from 2006 to 2017 and is now Vice President for Global Engagement at Georgetown University; Thomas Farr, who was Director of the Religious Freedom Project from 2011 to 2016 and is now President of the Religious Freedom Institute; Timothy Samuel Shah, who was Associate Director of the Religious Freedom Project from 2011 to 2016 and is now Senior Director of the South and Southeast Asia Action Team at the Religious Freedom Institute; and Kent Hill, who joined the Religious Freedom Institute as Executive Director in 2017. I am grateful as well to the staff in these programs who worked faithfully and tirelessly to organize the many events: Jeremy Barker, Nicholas Fedyk, Abigail Galvan, Kyle Van der Meulen, A. J. Nolte, and Claudia Winkler. Not least, I thank the fellow scholars for their critique and encouragement: Ilan Alon, Anthony Gill, Brian Grim, William Inboden, Karrie Koesel, Timur Kuran, John Owen, David Novak, Ani Sarkissian, Rebecca Samuel Shah, Mona Siddiqui, Monica Duffy Toft, Roger Trigg, Bradford Wilcox, and Robert Woodberry.

I have benefited capitally from opportunities to present versions of the book's arguments. I thank the James Madison Program at Princeton University for its invitation to deliver the Charles E. Test, MD, Distinguished Lectures on April 27–29, 2016. I also presented portions of the book at the Annual Law and Religion Roundtable in Chicago, Bar Ilan University, Brigham Young University Law School, Georgetown University, Northwood University, the Notre Dame Islamic Studies Colloquium, a Religious Freedom Institute conference in Rome, Italy, the Transatlantic Academy in Washington, DC, the United States Institute of Peace in Washington, DC, and the University of Michigan. I am also grateful to several publishers of the book's ideas: *Acta Philosophica, America, The Journal of Law and Religion* (with Timothy Samuel Shah), *Lawfare*, *The New York Daily News*, *Public Discourse*, and *The Washington Post*.

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On a topic on which there is so much fierce public debate, it is especially worth stressing that the views in the book are solely my own and should not be imputed to any of the many people who commented on the manuscript.

A number of research assistants provided critical help, including Faisal Baluch, Andrew Bramsen, Sean Braniff, Caleb Hamman, Mark Hoipkemier, Ji Eun Kim, Sarah Miller, Elizabeth Mullen, Paul Nauert, Anna Peterson, Josiah Ponnudurai, Nilay Saiya, Carolyn Sweeney, Afiya Webb, and Cynthia Weber. I thank Josiah Ponnudurai and Hailey Vrdolyak for fact-checking the manuscript; Hailey Vrdolyak and Melody Wood for copy-editing and proofreading; Belinda Thompson of Notre Dame's Marketing Communications office for composing the maps; and the Political Science Department and the Joan B. Kroc Institute at Notre Dame for providing institutional homes. At Oxford University Press, I am grateful to editors Theo Calderara and Drew Anderla for their invaluable support, to Victoria Danahy for her outstanding copyediting, and to Felshiya Manonmani for production editing.

It is all too easy to overlook the importance of those who enable a book's writing more than any other—one's family. My wife Diana and my children Angela, James, and Peter supported the project through their love, their patience, their infectious joy, and their consistent dinner table query, "Dad, how is your book going?"

I dedicate the book to two people. A close reading of the following pages will reveal numerous influences of the work of Alfred Stepan, who, until his death on September 26, 2017, was one of the world's leading comparative political scientists and theorists of democratization, a pioneer in the study of religion and politics, and a friend to the University of Notre Dame (at one time a member of Notre Dame's Board of Trustees), all of this following early stints in the US Marine Corps and as a journalist for *The Economist*. Al was a kind and generous mentor to young political scientists, including a cohort of us who study religion and politics. May he rest in peace.

A close reading of the preceding acknowledgments reveals several mentions of Timothy Samuel Shah, who has been a constant collaborator and conversation partner since we were graduate students together in the early 1990s and a brother who lays down his life for his friends.

Introduction

INTERVENING IN A PUBLIC DEBATE

IN JUNE 2009, Barack Obama, early in his first term as President of the United States, delivered a most unusual speech in Cairo, Egypt. Instead of directing his words to the citizens of a country, a parliament, or an international organization, President Obama spoke to the members of a world religion. "I've come to Cairo to seek a new beginning between the United States and Muslims around the world," he announced. It was perhaps the first time in history that a US president had chosen an entire religion as his audience. A host of the speech was Al-Azhar, one of Islam's oldest and most prestigious universities, and a patron who could help Obama project his message to Muslims—all Muslims, everywhere.

Why did President Obama direct his speech to such an unusual set of hearers? The previous year, Obama had campaigned for president on a promise to end the United States' wars in Iraq and Afghanistan. One of his charges against these wars was that Muslims around the world perceived them as being waged against Islam. In fairness, Obama's predecessor, George W. Bush, had made great efforts to communicate that the United States was fighting terrorists and a rogue dictator and not Islam, which Bush had called a "religion of peace." Still, Obama saw a need for a realignment in the relationship between the United States and Muslims—all Muslims, everywhere. "We meet at a time of great tension between the United States and Muslims around the world," he began his speech, and he elicited applause when he declared, "America is not—and never will be—at war with Islam."

The president proposed that the United States and the Muslim world could reduce tensions together by addressing several issues ranging from violent extremism to women's rights to nuclear proliferation—to religious freedom. Obama's inclusion of this last principle—religious freedom—was, to close

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In a Ruin, after a Thunder-Storm

KEEP of the Norman, old to flood and cloud!
Thou dost reproach me with thy sunset look,
That in our common menace, I forsook
Hope, the last fear, and stood impartial proud:
Almost, almost, while ether spake aloud,
Death from the smoking stones my spirit shook
Into thy hollow as leaves into a brook,
No more than they by heaven's assassins cowed.

But now thy thousand-scarrèd steep is flecked
With the calm kisses of the light delayed,
Breathe on me better valor: to subject
My soul to greed of life, and grow afraid
Lest, ere her fight's full term, the Architect
See downfall of the stronghold that He made.

The Cherry Bough

IN a new poet's and a new friend's honor,
    Forth from the scornèd town and her gold-getting,
Come men with lutes and bowls, and find a welcome
Here in my garden,

Find bowers and deep shade and windy grasses,
And by the south wall, wet and forward-jutting,
One early branch fire-tipped with Roman cherries.
O naught is absent,

O naught but you, kind head that far in prison
Sunk on a weary arm, feels no god's pity
Stroking and sighing where the kingly laurels
Were once so plenty,

Nor dreams, from revels and strange faces turning,
How on the strength of my fair tree that knew you,
I lean to-day, when most my heart is laden
With your rich verses!

Since, long ago, in other gentler weather
Ere wrath and exile were, you lay beneath it,
(Your symbol then, your innocent wild brother,
Glad with your gladness,)

What has befallen in the world of wonder,
That still it puts forth bubbles of sweet color,
And you, and you that burst our eyes with beauty,
Are sapped and rotten?

Alas! When my young guests have done with singing,
I break it, leaf and fruit, my garden's glory,
And hold it high among them, and say after:
"O my poor Ovid,

"

"Years pass, and loves pass too; and yet remember
For the clear time when we were boys together,
These tears at home are shed; and with you also
Your bough is dying."

Two Irish Peasant Songs

I

I KNEAD and I spin, but my life is low the while,
Oh, I long to be alone, and walk abroad a mile,
Yet if I walk alone, and think of naught at all,
Why from me that ’s young should the wild tears fall?

The shower-stricken earth, the earth-colored streams,
They breathe on me awake, and moan to me in dreams,
And yonder ivy fondling the broke castle-wall,
It pulls upon my heart till the wild tears fall.

The cabin-door looks down a furze-lighted hill,
And far as Leighlin Cross the fields are green and still;
But once I hear the blackbird in Leighlin hedges call,
The foolishness is on me, and the wild tears fall!

II

’Tis the time o’ the year, if the quicken-bough be staunch,
The green, like a breaker, rolls steady up the branch,
And surges in the spaces, and floods the trunk, and heaves
In little angry spray that is the under-white of leaves;
And from the thorn in companies the foamy petals fall,
And waves of jolly ivy wink along a windy wall.

’Tis the time o’ the year the marsh is full of sound,
And good and glorious it is to smell the living ground.
The crimson-headed catkin shakes above the pasture-bars,
The daisy takes the middle field and spangles it with stars,
And down the bank into the lane the primroses do crowd,
All colored like the twilight moon, and spreading like a cloud!

’Tis the time o’ the year, in early light and glad,
The lark has a music to drive a lover mad;
The downs are dripping nightly, the breathèd damps arise,
Deliciously the freshets cool the grayling’s golden eyes,

And lying in a row against the chilly north, the sheep
Inclose a place without a wind for tender lambs to sleep.

’Tis the time o’ the year I turn upon the height
To watch from my harrow the dance of going light;
And if before the sun be hid, come slowly up the vale
Honora with her dimpled throat, Honora with her pail,
Hey, but there ’s many a March for me, and many and many a lass!
I fall to work and song again, and let Honora pass.

The Japanese Anemone

ALL summer the breath of the roses around
    Exhales with a delicate, passionate sound;
And when from a trellis, in holiday places,
They croon and cajole, with their slumberous faces,
A lad in the lane must slacken his paces.

Fragrance of these is a voice in a bower:
But low by the wall is my odorless flower,
So pure, so controlled, not a fume is above her,
That poet or bee should delay there and hover;
For she is a silence, and therefore I love her.

And never a mortal by morn or midnight
Is called to her hid little house of delight;
And she keeps from the wind, on his pillages olden,
Upon a true stalk in rough weather upholden,
Her winter-white gourd with the hollow moon-golden.

While ardors of roses contend and increase,
Methinks she has found how noble is peace,
Like a spirit besought from the world to dissever,
Not absent to men, tho' resumed by the Giver,
And dead long ago, being lovely for ever.

Tryste Noel

THE Ox he openeth wide the Doore
And from the Snowe he calls her inne,
And he hath seen her Smile therefore,
Our Ladye without Sinne.
Now soone from Sleepe
A Starre shall leap,
And soone arrive both King and Hinde;
Amen, Amen:
But O, the place co'd I but finde!

The Ox hath husht his voyce and bent
Trewe eyes of Pitty ore the Mow,
And on his lovelie Neck, forspent,
The Blessed lays her Browe.
Around her feet
Full Warme and Sweete
His bowerie Breath doth meeklie dwell;
Amen, Amen:
But sore am I with Vaine Travèl!

The Ox is host in Juda's stall,
And Host of more than onelie one,
For close she gathereth withal
Our Lorde her littel Sonne.
Glad Hinde and King
Their Gyfte may bring
But wo'd to-night my Teares were there,
Amen, Amen:
Between her Bosom and His hayre!

A Talisman

TAKE Temperance to thy breast,
    While yet is the hour of choosing,
As arbitress exquisite
Of all that shall thee betide;
For better than fortune's best
Is mastery in the using,
And sweeter than anything sweet
The art to lay it aside!

Heathenesse

NO round boy-satyr, racing from the mere,
Shakes on the mountain-lawn his dripping head
This many a May, your sister being dead,
Ye Christian folk! your sister great and dear.
To breathe her name, to think how sad-sincere
Was all her searching, straying, dreaming, dread,
How of her natural night was Plato bred,
A star to keep the ways of honor clear,
Who will not sigh for her? who can forget
Not only unto campèd Israel,
Nor martyr-maids that as a bridegroom met
The Roman lion's roar, salvation fell?
To Him be most of praise that He is yet
Your God thro' gods not inaccessible.

For Izaak Walton

WHAT trout shall coax the rod of yore
In Itchen stream to dip?
What lover of her banks restore
That sweet Socratic lip?
Old fishing and wishing
Are over many a year.
O hush thee, O hush thee! heart innocent and dear.

Again the foamy shallows fill,
The quiet clouds amass,
And soft as bees by Catherine Hill
At dawn the anglers pass,
And follow the hollow,
In boughs to disappear.
O hush thee, O hush thee! heart innocent and dear.

Nay, rise not now, nor with them take
One silver-freckled fool!
Thy sons to-day bring each an ache
For ancient arts to cool.
But, father, lie rather
Unhurt and idle near;
O hush thee, O hush thee! heart innocent and dear.

While thought of thee to men is yet
A sylvan playfellow,
Ne'er by thy marble they forget
In pious cheer to go.
As air falls, the prayer falls
O'er kingly Winchester:
O hush thee, O hush thee! heart innocent and dear.

Sherman: "An Horatian Ode"

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